

a call to a cellular subscriber. Alaska regulations preclude CellularOne's rate plan by requiring the routing of calls to the landline caller's IXC which will charge a toll.

35. Application of Alaska's regulations would have serious ramifications for the development of a competitive and efficient cellular service.<sup>9</sup> PTIC's position is that only if the two areas (Sitka and Juneau) were in the same local calling area, i.e., in an "extended area service" ("EAS"), would calls from Sitka to Juneau not require ten digits and not be subject to a toll. Of course, the decision to establish a common EAS for Sitka and Juneau would be PTIC's decision to make, thus putting the fate of CellularOne's wide area dialing plan squarely in the hands of the affiliate of its competitor. The FCC simply should not allow CellularOne's LEC-affiliated competitor to rely upon state regulations as a means to thwart the FCC's goal of rapid and efficient cellular service.

36. It should be emphasized that preemption of Alaska's interexchange and call routing regulations would not intrude upon that state's Section 2(b) jurisdiction over rates associated with intrastate communications. Alaska would have full authority to oversee the rates charged by PTIC for routing intrastate cellular-bound calls initiated by Sitka landline callers to CellularOne's Sitka MTSO. Section 2(b), however, does not sanction any state regulation that, in effect, encroaches upon the FCC's authority.

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<sup>9</sup> The rules adopted for the cellular service were heavily influenced by the FCC's concerns with the potential anticompetitive practices of wireline carriers providing such service. See Cellular Communications Systems, 86 FCC 2d at 482-495.

NCUCI, at 792-93. If Alaska's regulations restrict the speed and efficiency of cellular communications, the FCC will be frustrated in the exercise of its plenary jurisdiction over the establishment of a nationwide cellular system. The Commission must remain free to determine how cellular calls should be routed and interconnected with the LECs.

#### IV. Conclusion

37. CellularOne's request for an interconnection arrangement for its wide area dialing plan, including the routing of calls bound for its cellular subscribers, is reasonable. CellularOne will pay standard interconnection charges to the LEC, which acknowledges that this type of interconnection is technically feasible. The rapid deployment of cellular services, including an efficient seven digit plan for serving wide areas, should not be hindered by Alaska's regulations that frustrate federal purposes of establishing and regulating cellular service. Alaska's certification and routing regulations should be preempted to allow CellularOne to develop a rapid and efficient cellular system as mandated by federal law.

Respectfully submitted,  
ALASKA-3 CELLULAR LLC  
DBA CELLULAR ONE

By: 

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# Exhibit 1

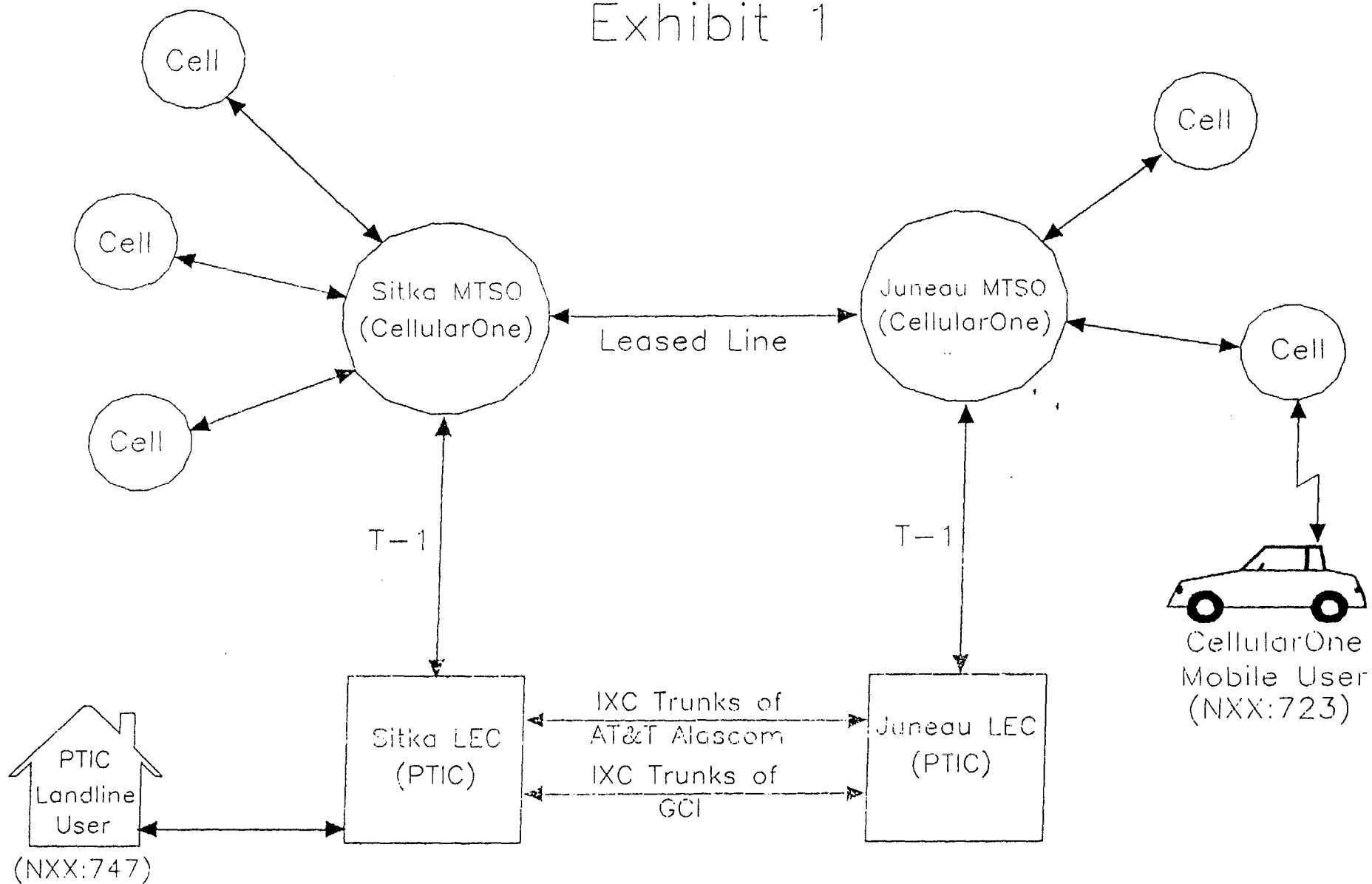
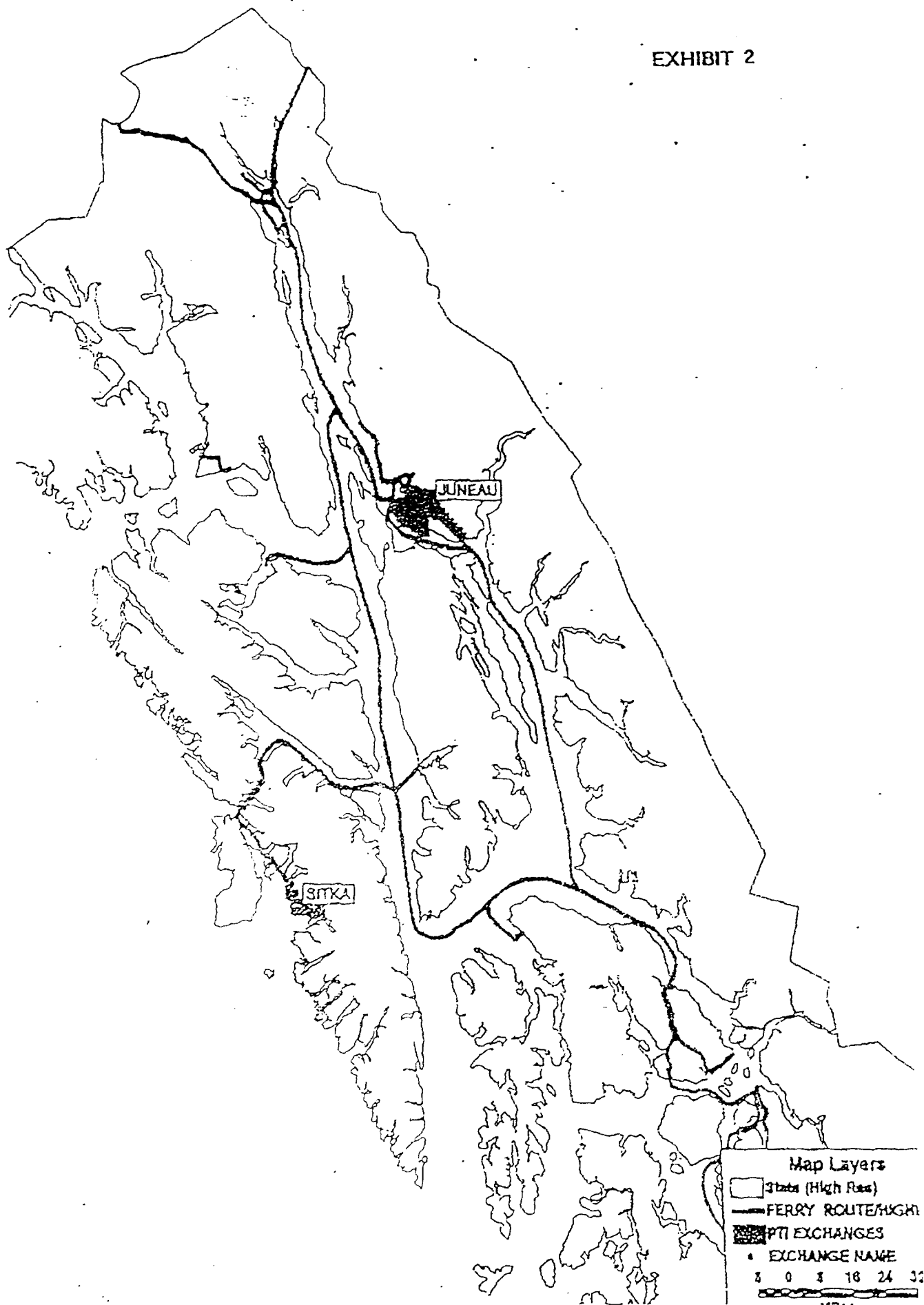


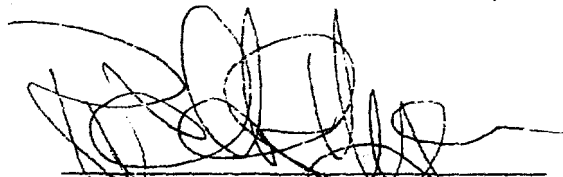
EXHIBIT 2



CERTIFICATE OF SERVICE

I, Richard S. Myers, do hereby certify that on this 22nd day of September, 1995, a copy of the foregoing "Motion For Declaratory Ruling" was hand delivered to:

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